



**Planning Commission
Minutes of the July 18, 2019 Regular Meeting**

The meeting was called to order by Planning Commission Vice Chairman Brooks at 5:30 p.m.

ATTENDEES

PLANNING COMMISSION MEMBERS

Troy Wesson, CAPZO, Planning Commission Chair	Absent
John Seifert, CAPZO, City Council Member	Present (5:31 pm)
Cynthia McCollum, CAPZO	Present
Steve Ryder, CAPZO	Present
Cameron Grounds, CAPZO	Present
Stephen Brooks, CAPZO	Present
Lewie L. Bates, CAPZO	Absent
Michael Potter, CAPZO	Present
Tim Cowles, CAPZO	Present

PLANNING STAFF PRESENT

Johnny Blizzard, Senior Planner; Mary Beth Broeren, Director of Development Services; Megan Zingarelli, City Attorney

REGISTERED PUBLIC ATTENDEES

John Enich, Taz Morell, Ushma Singh, Crystal Morford, Dhrur Singh, Gary P. Jones, Maureen Wegner, Ashley Blackwell, Rob & Sharron Wojciechowski, Carol Hop, Hunter Stinson, Tony Manary, Corey Brown, Heath Galloway, Ehlisham Khan, Adnan Seljuki, Eric Broyles, Kayla Broyles, Sarah Broyles, Sienna Broyles, Owen Broyles, James Phillips, Lee White, Daniel Hopkins, Ken Hudson, Dirya Panati, Shani Kapoor, Barbie Breen, John Dizon, Mike Zieman, Jessica Schofeld, LeKisha Laster

ACCEPTANCE OF THE AGENDA

Mr. Johnny Blizzard noted that there are three requested additions to the agenda under new business: the addition of sidewalk bonds for Crown Pointe, Phase 9A and Creekside and a performance bond for Creekside. The agenda was accepted with the proposed changes.

APPROVAL OF THE MINUTES

Mr. Potter moved to approve the minutes of the June 20, 2019 regular meeting. Mr. Cowles seconded the motion.

Final Vote:

Chairman, Troy Wesson	-----
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Stephen Brooks	Abstain
Lewie Bates	-----
Mike Potter	Aye
City Council Member Seifert	Aye
Tim Cowles	Aye

Motion Carried

PUBLIC COMMENTS

None.

PUBLIC HEARINGS

1. Morse Property (ANN 2019-006/ZMA 2019-007)

Annexation of 0.66 acres into the City of Madison and zone the property R-1A (Low Density Residential District) upon annexation

Location: North of Cedar Acres Drive, West of Burgreen Road

Applicant/Property Owner: Richard Morse

Staff Report

Mr. Blizzard requested that this item be continued to the August meeting to allow for public hearing letters to be sent out.

Commission Comments

Acting Chair Brooks confirmed that there was no one in attendance to speak on the item.

Motion:

Mr. Potter motioned to continue the Morse Property request (ANN 2019-006/ZMA 2019-007) to the August 15, 2019 meeting. Mr. Ryder seconded the motion.

Final Vote:

Chairman, Troy Wesson	-----
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Stephen Brooks	Aye
Lewie Bates	-----
Mike Potter	Aye
City Council Member Seifert	Aye
Tim Cowles	Aye

Motion Carried

2. Green Property (ANN 2019-007/ZMA 2019-008)

Annexation of 1.4 acres into the City of Madison and zone the property R-1A (Low Density Residential District) upon annexation

Location: North of Cedar Acres Drive, West of Burgreen Road

Applicant/Property Owner: Casterderial and Ardean Green

Staff Report

Mr. Blizzard requested that this item be continued to the August meeting to allow for public hearing letters to be sent out.

Commission Comments

Acting Chair Brooks confirmed that there was no one in attendance to speak on the item.

Motion:

Mr. Ryder motioned to continue the Green Property request (ANN 2019-007/ZMA 2019-008) to the August 15, 2019 meeting. Mr. Potter seconded the motion.

Final Vote:

Chairman, Troy Wesson	-----
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Stephen Brooks	Aye
Lewie Bates	-----
Mike Potter	Aye
City Council Member Seifert	Aye
Tim Cowles	Aye

Motion Carried

3. Whitworth Farms, Phase VII (CP2019-008)

Certified Plat for 3 commercial lots on 3.73 acres

Location: North of Arbor Trace, west of County Line Road

Applicant: Edward Robinson

Property Owner: Diltina Development Corporation

Applicant Comments

None.

Staff Report

Mr. Blizzard stated the property was north of McDonald's and Arbor Trace and west of County Line Road. The property is zoned B2. The applicant has submitted the request to be able to sell the three lots that are proposed. Mr. Blizzard reviewed the contingencies and stated staff recommends approval.

Public Comments

None.

Commission Comments

None.

Motion:

Mr. Seifert motioned to approve the Certified Plat for Whitworth Farms, Phase VII (CP2019-008) with contingencies.

Planning Department

1. Submit title opinion
2. Signatures:
 - 1) Surveyor
 - 2) Dedication
 - 3) Notary

Engineering Department

1. Show the remainder easement area as Tract A, or equivalent

Mr. Cowles seconded the motion.

Final Vote:

Chairman, Troy Wesson	-----
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Stephen Brooks	Aye
Lewie Bates	-----
Mike Potter	Aye
City Council Member Seifert	Aye
Tim Cowles	Aye

Motion Carried

4. Crown Pointe Subdivision (LP 2019-005)

Layout plan amendment for 2 lots on 24.35 acres

Location: South of Fernbridge Boulevard, East of Torrington Drive

Applicant/Property Owner: Jeff Benton Development

Applicant Comments

Tony Manary, representing the applicant, stated he was available for questions.

Staff Report

Mr. Blizzard stated the request had been considered by the Planning Commission at their June meeting but a motion to approve failed. Staff's main issue with the last submittal was the lack of a conservation easement on the wetlands and the plans for the remainder of Tract A. The applicant has submitted a new layout sketch and preliminary plat that includes a conservation easement and places some of Tract A and some of the wetland in a Common

Area. The remainder of Tract A, outside of the wetland area, might be developed in the future. Mr. Blizzard reviewed the contingencies and stated staff recommends approval.

Public Comments

Carol Hop requested that approval be held until a full design for the entire area is provided.

Commission Comments

Mr. Potter restated the controls the proposed easement would have for the area.

Mr. Seifert confirmed with Engineering that their concerns had been addressed. Mr. Chynoweth stated that the conservation easement for the wetlands accomplished that.

Mr. Ryder inquired about access via Evans Lane. Staff stated this would need to be the access to the remainder of Tract A and that the applicant has submitted a vacation of right-of-way off of Torrington Lane.

Motion:

Mr. Cowles motioned to approve the Layout Plan for Crown Pointe Subdivision (LP2019-005) with contingencies.

Engineering Department

1. Provide UPDATED Corps of Engineers Jurisdictional Determination for wetlands.
2. Show and dimension easement along the rear of lot 277 for the borrow pit.

Mrs. McCollum seconded the motion.

Final Vote:

Chairman, Troy Wesson	-----
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Stephen Brooks	Aye
Lewie Bates	-----
Mike Potter	Aye
City Council Member Seifert	Aye
Tim Cowles	Aye

Motion Carried

5. Crown Pointe , Phase IX (PP2019-008)

Preliminary Plat for 5 lots on 24.35 acres

Location: South of Fernbridge Boulevard, East of Torrington Drive

Applicant/Property Owner: Jeff Benton Development

Applicant Comments

Refer to item 6 above.

Staff Report

Refer to item 6 above.

Public Comments

Carol Hop expressed concern about the developer, Jeff Benton, keeping control of the HOA until the project was complete and the future development plan.

Daniel Hopkins stated he represented Jeff Benton Homes. He indicated this was their only plan for development of this area, though there might be one or two lots that could be proposed with access via Evans Lane.

Commission Comments

Mr. Potter stated that the Commission may not interfere with HOA management.

Motion:

Mr. Cowles motioned to approve the Preliminary Plat for Crown Pointe Subdivision, Phase IX (PP2019-008) with contingencies.

Planning Department

1. Signatures:
 - 1) Huntsville Utilities
 - 2) North Alabama Gas
 - 3) Phone
 - 4) Cable

Engineering Department

1. Provide UPDATED Corps of Engineers Jurisdictional Determination for wetlands.
2. Show and dimension easement along the rear of lot 277 for the borrow pit.

Mr. Ryder seconded the motion.

Final Vote:

Chairman, Troy Wesson	-----
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Stephen Brooks	Aye
Lewie Bates	-----
Mike Potter	Aye
City Council Member Seifert	Aye
Tim Cowles	Aye

Motion Carried

6. Crown Pointe, Phase IX (FP 2019-006)

Final Plat for 2 lots on 24.35 acres

Location: South of Fernbridge Boulevard, East of Torrington Drive

Applicant/Property Owner: Jeff Benton Development

Applicant Comments

Tony Manary, representing the applicant, stated this was a request for two lots on Torrington Drive and he was available for questions.

Staff Report

Mr. Blizzard stated this was a new submittal for the two lots on Torrington Drive that are part of the layout plat on tonight's agenda. The lots comply with requirements. Mr. Blizzard reviewed the contingencies and stated staff recommends approval.

Public Comments

None.

Commission Comments

None.

Motion:

Mr. Cowles motioned to approve the Final Plat for Crown Pointe, Phase IX (FP2019-006) with contingencies.

Planning Department

1. Sheet 1: Plat General Note 22 shall be completed prior to signature.
2. Signatures:
 - 1) Surveyor
 - 2) Dedication
 - 3) Mortgage Holder
 - 4) Notary
 - 5) Huntsville Utilities
 - 6) North Alabama Gas

Engineering Department

1. Place wetlands in a Conservancy Easement.
2. Correct Note #4 to 2 lots and 2 tracts.

Mr. Ryder seconded the motion.

Final Vote:

Chairman, Troy Wesson	-----
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Stephen Brooks	Aye

Lewie Bates	-----
Mike Potter	Aye
City Council Member Seifert	Aye
Tim Cowles	Aye
Motion Carried	

7. Sara Farley Wann, Phase I (CP2019-010)

Certified Plat for 2 lots on 113.72 acres

Location: South of Old Madison Pike, East of Shelton Road

Applicant: Premium Properties, LLC

Property Owner: Gayle Wann Guy, Guy Holdingsm LLC, William Farley Wann

Applicant Comments

Taz Morell stated he was available for questions.

Staff Report

Mr. Blizzard stated that the proposed plat was getting the property configured for development. The property is south of Portal Lane and east of Shelton Road. The property is mostly zoned R2 with the northern portion zoned R4. Mr. Blizzard reviewed the lot configurations and easements. The subject area currently has three lots and the applicant proposes to consolidate Tract 1, Sara Farley Wann Lands Subdivision into proposed Lot 3A. The properties shown as Lots 3A and 3B are currently recognized as two metes and bounds lots of record by the Madison County Tax Assessor. However, the latest recorded plat for Sara Farley Wann Subdivision shows the entire area as Lot 3. The proposed certified plat will reflect the property boundaries as they currently exist on Madison County Tax Maps. Mr. Blizzard reviewed the contingencies and stated that staff recommends approval.

Public Comments

Eric Broyles asked if there were plans for the R4 area.

Commission Comments

Mr. Brooks addressed the zoning question replying that this request doesn't change zoning, and the City doesn't know what the plans for that property are.

Mr. Potter asked if the cemetery was coming under City ownership, and staff replied that it was not.

Motion:

Mr. Cowles motioned to approve the Certified Plat for 2 lots on 113.72 acres (CP2019-010) with contingencies.

Planning Department

1. Submit title opinion
2. Signatures:
 - 1) Surveyor
 - 2) Dedication
 - 3) Notaries

- 4) Huntsville Utilities
- 5) North Alabama Gas

Engineering Department

- 1. Provide Closure Report
- 2. Provide corrected vacation of easement legal description

Mrs. McCollum seconded the motion.

Final Vote:

Chairman, Troy Wesson	-----
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Stephen Brooks	Aye
Lewie Bates	-----
Mike Potter	Aye
City Council Member Seifert	Aye
Tim Cowles	Aye

Motion Carried

8. Windermere Subdivision (LP 2019-004)

Layout plan for 183 lots on 72.01 acres

Location: North of Norfolk Southern Railroad, East of Shelton Road

Applicant: Premium Properties, LLC

Property Owner: Gayle Wann Guy and Guy Holdings, LLC

Applicant Comments

Taz Morell stated he was available for questions.

Staff Report

Mr. Blizzard stated that the subject property was zoned R2. The proposed project will have 183 lots and an average lot size of 11,000 square feet, and the minimum lot size for R2 is 10,500 square feet. It includes three common areas for stormwater detention and one common area for recreation. Primary access to the subdivision will be from Shelton Road with the extension of Portal Lane. The extension will stub to the property to the north, with another extension to the east. There will also be a new internal street that will connect with Alderwood Drive to the north. An existing center turn lane on Shelton Road will remain for southbound left turns into the subdivision, and a new right turn lane will be added on Shelton for northbound traffic entering the subdivision. Mr. Blizzard stated there was a variance request for non-radial lot lines. Mr. Blizzard reviewed the contingencies and stated that staff recommends approval.

Mr. Brooks asked how long the property has been zoned R2, and Mr. Blizzard reported for a long time and at least 20 years.

Public Comments

Rob Wojciechowski requested that the developer keep the tree line on Forest Glade and Alderwood Drives. He noted that connecting the subdivisions would create more traffic in their neighborhood and that their neighborhood has poor lighting and two hills. He asked who had responsibility for the two retention ponds and where the project's drainage would go.

John Dizon echoed the prior speaker's comments. He added that there should be more access to the new subdivision so that they don't have cut-through traffic in their subdivision. He inquired about the easement for cemetery access.

Eric Broyles requested that they keep trees along Alderwood properties. He asked that the Planning Commission consider traffic impacts. He asked if this was the first public notice about the project and if there would be other hearings. He asked about the timeframe and phasing for construction and if Alderwood would be used for construction traffic. He suggested a footpath to Horizon Elementary.

Shani Kapoor supported the previous speakers' comments. She noted the rail line may create traffic distribution impacts and result in more impacts to their neighborhood.

Crystal Morford stated she has a swamp on her property and expressed concern about drainage.

Dirya Panati stated that there is unclaimed land between her property and the adjacent property. She inquired about the elevation of the new subdivision. She stated that she likes the existing trees and would like to see them remain.

LeKisha Laster echoed support for keeping the trees. She expressed concern regarding construction impacts.

Commission Comments

Mr. Brooks stated that the property has been zone R2 for as long as anyone can remember and that the property owner or developer is allowed to propose this project. He stated that at this stage of the project it is unclear as to whose property the existing trees are on and this can be examined at the preliminary plat stage.

Mr. Brooks asked the City Engineer to address drainage and traffic comments. Mr. Chynoweth stated the subject site does not drain to the Old Ivy Subdivision to the north. He addressed comments about retention ponds and detention structures on neighboring properties. He stated that traffic connectivity is a requirement of City ordinance and that he wouldn't expect much through-traffic in the Old Ivy subdivision.

Mr. Cowles inquired about connecting Portal Lane to Old Madison Pike. Staff responded that there is no project proposed for the R4 property and that timing is unknown.

Mr. Brooks stated the proposed project will have four connection points, two of which will be activated later when adjacent properties develop. He indicated that the topic of lighting is not before the Planning Commission. He noted that City ordinance doesn't allow the project to drain to another property. He stated that cemetery access will be from within the proposed subdivision. Regarding noticing, he indicated this was the first public hearing and notice about the project. He discussed the connection to Horizon and the requirement for sidewalks in the project.

Mr. Cowles stated that construction traffic was not likely to use Alderwood. He noted that developers often leave existing trees and that they would encourage the developer to keep them.

Mr. Potter addressed the comments about trees and asked staff if the number of homes had been included in the City's growth projections. Staff stated that they were included.

Mr. Seifert inquired about a development agreement and phasing. Staff responded that because the property was already zoned for the project that one wasn't being pursued. Staff expected the phasing to be about 25 units per year based on what other projects were experiencing. Taz Morell, speaking on behalf of the developer, indicated their first phase would be off of Portal and be 30-40 units.

Motion:

Mr. Ryder motioned to approve the Variance to Section 5-6 of the Subdivision Regulations for non-radial lot lines. Mr. Potter seconded the motion.

Final Vote:

Chairman, Troy Wesson	-----
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Stephen Brooks	Aye
Lewie Bates	-----
Mike Potter	Aye
City Council Member Seifert	Aye
Tim Cowles	Aye

Motion Carried

Motion:

Mr. Cowles motioned to approve the Layout Plan for Windermere Subdivision (LP2019-004), with contingencies.

Planning Department

1. Signatures:
 - 1) Surveyor
 - 2) Dedication
 - 3) Notaries
 - 4) Huntsville Utilities

5) North Alabama Gas
Engineering Department

1. Correct Note #7 to read "....must be vacated prior to the recording of the Final Plat of that phase."

Mr. Ryder seconded the motion.

Final Vote:

Chairman, Troy Wesson	-----
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Stephen Brooks	Aye
Lewie Bates	-----
Mike Potter	Aye
City Council Member Seifert	Aye
Tim Cowles	Aye

Motion Carried

(Public Hearing Closed)

New Business

Crown Pointe, Phase IX – Check for Sidewalk (\$8,339.55)

Mr. Blizzard reported on the request.

Motion:

Mr. Potter motioned to approve the request. Mr. Cowles seconded the motion.

Final Vote:

Chairman, Troy Wesson	-----
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Stephen Brooks	Aye
Lewie Bates	-----
Mike Potter	Aye
City Council Member Seifert	Aye
Tim Cowles	Aye

Motion Carried

Creekside, Phase 2 – Performance Bond (\$120,450.60)

Mr. Blizzard reported on the bond request.

Motion:

Mr. Potter motioned to approve the Bond request. Mr. Seifert seconded the motion.

Final Vote:

Chairman, Troy Wesson	-----
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Stephen Brooks	Aye
Lewie Bates	-----
Mike Potter	Aye
City Council Member Seifert	Aye
Tim Cowles	Aye

Motion Carried

Creekside, Phase 2 – Sidewalk Bond (\$49,402.50)

Mr. Blizzard reported on the bond request and responded to a question about the number of lots in the subdivision.

Motion:

Mr. Potter motioned to approve the Bond request. Mrs. McCollum seconded the motion.

Final Vote:

Chairman, Troy Wesson	-----
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Stephen Brooks	Aye
Lewie Bates	-----
Mike Potter	Aye
City Council Member Seifert	Aye
Tim Cowles	Aye

Motion Carried

ADJOURNMENT


Mr. Brooks adjourned the meeting at 6:41 P.M.

Minutes Approved



Stephen Brooks, Vice-Chairman

ATTEST:



Johnny Blizzard, Senior Planner and Recording Secretary